

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: BILLY PAUL MAY, D.P.M.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Billy Paul May, D.P.M. ("Dr. May"), pursuant to W.Va. Code § 30-3-1, *et seq.*, freely and voluntarily enter into the following:

FINDINGS OF FACT

1. Billy Paul May, D.P.M. ("Dr. May") holds a license to practice podiatry in the State of West Virginia, license number 133.
2. On September 30, 2008, the Complaint Committee of the Board received a complaint from Seth Stinehour, D.P.M. ("Dr. Stinehour") alleging, *inter alia*, that Dr. May had amassed a large amount of unpaid state and federal tax and had ceased filing state and federal income tax returns for a number of years.
3. Dr. May filed a timely response to the complaint admitting a tax arrearage problem.
4. Further investigation ensued. Pursuant to this investigation the Board issued and served a *Subpoena Duces Tecum* upon Dr. May requesting the production of a number of tax related documents, liens, and correspondence with tax authorities.

5. While Dr. May did produce a number of documents related to his professional partnership, Dr. May did not produce documents related to his personal federal and/or state tax filings, liens, and/or correspondence with federal and/or state tax officials.

6. Dr. May appeared at the regular meeting of the Complaint Committee of the Board on July 12, 2009, to discuss these matters. Dr. May has admitted to a knowing failure to file personal federal and state tax returns for a number of years.

7. In order to terminate the investigation and resolve this matter with the Board regarding the evidence obtained, Dr. May has expressed the desire to enter into this Consent Order with the Board in lieu of proceeding to hearing on any charges the Board may file against him.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine has a mandate, pursuant to W.Va. Code § 30-3-1, to protect the public interest.

2. Probable cause exists to file charges against Dr. May, pursuant to the provisions of W.Va. Code § 30-3-14(c)(17), 11 CSR 1A 12.1(e), (j), 11 CSR 1A 12.2(d), and the American Podiatric Medical Association, Inc., Code of Ethics (2008), BE5.0, ME5.0 and 5.1.

3. It is appropriate and in the public interest to waive the commencement of proceedings against Dr. May and to proceed without the filing of charges or a formal Complaint and Notice of Hearing, provided Dr. May agrees to the provisions of this Consent Order.

CONSENT

Billy Paul May, D.P.M., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order, to the following:

1. Dr. May acknowledges that he is fully aware that without his consent here given, no permanent legal action may be taken against him except after a public hearing held in accordance with W.Va. Code § 30-3-16 (i), and § 29A-5-1, *et seq.*

2. Dr. May further acknowledges that he has the following rights, among others: the right to a formal public hearing before the Board, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross examine witnesses against him.

3. Dr. May waives all rights to such a public hearing.

4. Dr. May consents to the entry of this Order relative to his licensure as a podiatrist in the State of West Virginia.

5. Dr. May understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

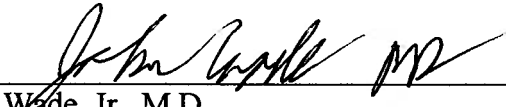
WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. May, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. That the license of Billy Paul May, D.P.M., No. 133, is **SURRENDERED** to the Board effective upon entry of this Consent Order.


2. Dr. May will not apply to the Board for licensure in the future, and if he does, his application will be denied.

The foregoing Consent Order was entered this 10th day of August, 2009.

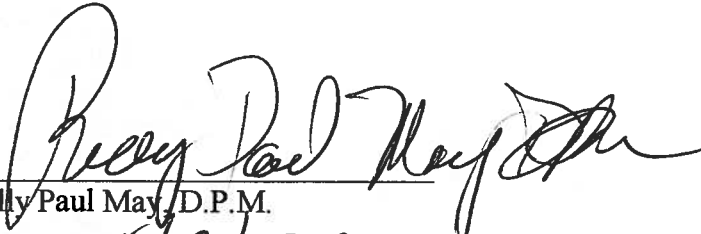
WEST VIRGINIA BOARD OF MEDICINE



John A. Wade, Jr., M.D.
President



Catherine Slemp, M.D., M.P.H.
Secretary



Billy Paul May, D.P.M.

Date: 8/3/09

STATE OF WV

COUNTY OF Cabell

I, Cheryl Hood, a Notary Public for said county and state
do hereby certify that Billy Paul May, D.P.M., whose name is signed on the previous page has
this day acknowledged the same before me.

Given under my hand this 3rd day of August, 2009.

My commission expires September 23, 2013.



Cheryl Hood
Notary Public